

AMENDED IN SENATE JULY 8, 1996
AMENDED IN ASSEMBLY APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3003

Introduced by Assembly Member Pringle

February 23, 1996

An act to amend Sections 11110 *and* 12507.1, ~~and 15250 of,~~
~~and to add Section 12507.2 to,~~ of the Vehicle Code, relating to
vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3003, as amended, Pringle. Driver's license test: pilot
program.

~~(1)~~ Under an existing pilot program in effect only until
January 1, 1998, the behind-the-wheel driving test portion of
the examination for a provisional driver's license is permitted
to be administered by a driving school, under a specified
agreement with the Department of Motor Vehicles, to
persons 16 years of age or older, but less than 18 years of age,
under specified conditions.

The bill would extend that pilot program to January 1, 1999.

The bill would, *as to that pilot program*, delete a provision
requiring a departmental hearing for a cancelation,
suspension, or revocation of the authorization for a driving
school to conduct the behind-the-wheel driving test. The bill
would also delete a provision specifying that an action to
appeal or review the department's action to cancel, suspend,

or repeal the specified authorization is required to be brought in a court of competent jurisdiction within a specified period.

~~The bill would authorize the Director of Motor Vehicles to establish a program for third party testers, including driving schools, employers of the drivers being tested, and educational institutions, to administer behind-the-wheel driving tests. The bill would authorize the department to limit the persons eligible for testing under the program, to retest any person who has passed the examination given under the program, and to charge a fee for conducting the program. The bill would authorize the director to terminate the program under specified conditions.~~

~~(2) Existing law authorizes the department to allow a third party who is an employer to administer the driving test part of a specified examination for an endorsement to drive a commercial motor vehicle, if certain conditions are met.~~

~~This bill would delete the requirement that the third party be an employer.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11110 of the Vehicle Code, as
2 amended by Section 1 of Chapter 699 of the Statutes of
3 1994, is amended to read:

4 11110. The department, after notice and hearing, may
5 suspend or revoke any license issued under this chapter
6 in any of the following cases:

7 (a) The department finds and determines that the
8 licensee fails to meet the requirements to receive or hold
9 a license under this chapter.

10 (b) The licensee fails to keep the records required by
11 this chapter.

12 (c) The licensee permits fraud or engages in
13 fraudulent practices either with reference to the
14 applicant for a driver's license or an all-terrain vehicle
15 safety certificate or the department, or induces or
16 countenances fraud or fraudulent practices on the part of
17 any applicant.

1 (d) The licensee fails to comply with this chapter or
2 regulation or requirement of the department adopted
3 pursuant thereto.

4 (e) The licensee represents himself or herself as an
5 agent or employee of the department or uses advertising
6 designed to create the impression, or which would
7 reasonably have the effect of leading persons to believe,
8 that the licensee was in fact an employee or
9 representative of the department; or the licensee makes
10 an advertisement, in any manner or by any means, which
11 is untrue or misleading and which is known, or which by
12 the exercise of reasonable care should be known, to be
13 untrue or misleading.

14 (f) The licensee, or any employee or agent of the
15 licensee, solicits driver training or instruction or
16 all-terrain vehicle safety instruction in, or within 200 feet
17 of, an office of the department.

18 (g) The licensee is convicted of violating Section
19 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103,
20 23104, 23152, or 23153 of this code or subdivision (c) of
21 Section 192 of the Penal Code. A conviction, after a plea
22 of nolo contendere, is a conviction within the meaning of
23 this section.

24 (h) The licensee teaches, or permits a student to be
25 taught, the specific tests administered by the department
26 through use of the department's forms or testing facilities.

27 (i) The licensee conducts training, or permits training
28 by any employee, in an unsafe manner or contrary to safe
29 driving practices.

30 (j) The licensed school owner or licensed driving
31 school operator teaches, or permits an employee to teach,
32 driving instruction or all-terrain vehicle safety instruction
33 without a valid instructor's license.

34 (k) The licensed school owner does not have in effect
35 a bond as required by Section 11102.

36 (l) The licensee permits the use of the license by any
37 other person for the purpose of permitting that person to
38 engage in the ownership or operation of a school or in the
39 giving of driving instruction or all-terrain vehicle safety
40 instruction for compensation.

1 (m) The licensee holds a secondary teaching
2 credential and explicitly or implicitly recruits or attempts
3 to recruit a pupil who is enrolled in a junior or senior high
4 school to be a customer for any business licensed pursuant
5 to this article that is owned by the licensee or for which
6 the licensee is an employee.

7 (n) The licensee or any employee or agent of the
8 licensee administers driving tests or issues certificates of
9 passage in violation of the terms of an agreement entered
10 into under Section 12507.1 ~~or 12507.2~~.

11 (o) This section shall remain in effect only until
12 January 1, ~~1998~~ 1999, and as of that date is repealed, unless
13 a later enacted statute, which is enacted on or before
14 January 1, ~~1998~~ 1999, deletes or extends that date.

15 SEC. 2. Section 11110 of the Vehicle Code, as added
16 by Section 2 of Chapter 699 of the Statutes of 1994, is
17 amended to read:

18 11110. The department, after notice and hearing, may
19 suspend or revoke any license issued under this chapter
20 in any of the following cases:

21 (a) The department finds and determines that the
22 licensee fails to meet the requirements to receive or hold
23 a license under this chapter.

24 (b) The licensee fails to keep the records required by
25 this chapter.

26 (c) The licensee permits fraud or engages in
27 fraudulent practices either with reference to the
28 applicant for a driver's license or an all-terrain vehicle
29 safety certificate or the department, or induces or
30 countenances fraud or fraudulent practices on the part of
31 any applicant.

32 (d) The licensee fails to comply with this chapter or
33 regulation or requirement of the department adopted
34 pursuant thereto.

35 (e) The licensee represents himself or herself as an
36 agent or employee of the department or uses advertising
37 designed to create the impression, or which would
38 reasonably have the effect of leading persons to believe,
39 that the licensee was in fact an employee or
40 representative of the department; or the licensee makes

1 an advertisement, in any manner or by any means, which
2 is untrue or misleading and which is known, or which by
3 the exercise of reasonable care should be known, to be
4 untrue or misleading.

5 (f) The licensee, or any employee or agent of the
6 licensee, solicits driver training or instruction or
7 all-terrain vehicle safety instruction in, or within 200 feet
8 of, an office of the department.

9 (g) The licensee is convicted of violating Section
10 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103,
11 23104, 23152, or 23153 of this code or subdivision (c) of
12 Section 192 of the Penal Code. A conviction, after a plea
13 of nolo contendere, is a conviction within the meaning of
14 this section.

15 (h) The licensee teaches, or permits a student to be
16 taught, the specific tests administered by the department
17 through use of the department's forms or testing facilities.

18 (i) The licensee conducts training, or permits training
19 by any employee, in an unsafe manner or contrary to safe
20 driving practices.

21 (j) The licensed school owner or licensed driving
22 school operator teaches, or permits an employee to teach,
23 driving instruction or all-terrain vehicle safety instruction
24 without a valid instructor's license.

25 (k) The licensed school owner does not have in effect
26 a bond as required by Section 11102.

27 (l) The licensee permits the use of the license by any
28 other person for the purpose of permitting that person to
29 engage in the ownership or operation of a school or in the
30 giving of driving instruction or all-terrain vehicle safety
31 instruction for compensation.

32 (m) The licensee holds a secondary teaching
33 credential and explicitly or implicitly recruits or attempts
34 to recruit a pupil who is enrolled in a junior or senior high
35 school to be a customer for any business licensed pursuant
36 to this article that is owned by the licensee or for which
37 the licensee is an employee.

38 ~~(n) The licensee or any employee or agent of the~~
39 ~~licensee administers driving tests or issues certificates of~~

1 ~~passage in violation of the terms of an agreement entered~~
2 ~~into under Section 12507.2.~~

3 ~~(e)~~

4 (m) This section shall become operative on January 1,
5 ~~1998~~ 1999.

6 SEC. 3. Section 12507.1 of the Vehicle Code is
7 amended to read:

8 12507.1. (a) (1) In enacting this section, it is the
9 intent of the Legislature to implement a pilot program to
10 study the safety and fiscal effects of allowing certain
11 driving schools to conduct the provisional driver's license
12 behind-the-wheel driving test.

13 (2) The adoption of departmental regulations,
14 training of driving school instructors, and all other
15 functions necessary to prepare for the implementation of
16 the pilot program shall be performed by the department
17 commencing on January 1, 1995.

18 (b) Commencing on January 1, 1996, the department
19 may allow a driving school that has operated for at least
20 two years in compliance with Chapter 1 (commencing
21 with Section 11100) of Division 5 to administer the
22 behind-the-wheel driving test portion of the examination
23 required by subparagraph (D) of paragraph (1) of
24 subdivision (a) of Section 12804.9 for a provisional driver's
25 license for any person who is 16 years of age or older, but
26 who is less than 18 years of age, if all of the following
27 conditions apply:

28 (1) The applicant has complied with the requirements
29 of Section 12507.

30 (2) The tests given by the driving school are the same
31 as those that would otherwise be given by the
32 department.

33 (3) The driving school enters into an agreement with
34 the department containing, but not limited to, all of the
35 following provisions:

36 (A) The department shall annually conduct onsite
37 inspections of the testing operations, or more often as the
38 department determines to be necessary.

39 (B) All driving school examiners shall meet all of the
40 following qualifications:

1 (i) Have at least 500 hours of instructional experience
2 as a driving school instructor.

3 (ii) Be at least 25 years of age.

4 (iii) Have the same qualification and training
5 standards as the department's examiners, to the extent
6 necessary to conduct the driving tests in compliance with
7 department standards.

8 (C) No driving school examiner shall be qualified to
9 administer the behind-the-wheel test where the
10 individual to be tested has been previously instructed by
11 that examiner in the operation of a vehicle.

12 (D) No driving school or driving school instructor shall
13 condition the payment of a fee to the school by an
14 applicant for receiving instruction in the operation of a
15 vehicle or the administration of the behind-the-wheel
16 driving test, or both, upon the passage or failure of the
17 behind-the-wheel driving test.

18 (E) The driving school requires written assurances
19 from an applicant's parent or guardian that the parent or
20 guardian assumes liability for the applicant during the
21 driving test.

22 (F) The department may cancel, suspend, or revoke
23 the agreement with the driving school, upon giving 15
24 days' prior written notice of the proposed action to the
25 driving school, if the department determines that the
26 driving school is failing to comply with the standards for
27 the behind-the-wheel driving test or with any other term
28 of the agreement.

29 (4) A driving school that has had its agreement
30 canceled, suspended, or revoked by order of the
31 department may not administer a behind-the-wheel
32 driving test during the period that the order is in effect.

33 (5) (A) Any driving school that has had its agreement
34 canceled pursuant to subparagraph (F) of paragraph (3)
35 may apply for a new agreement at any time.

36 (B) The suspension of an agreement pursuant to
37 subparagraph (F) of paragraph (3) shall be for a term of
38 not more than 12 months, as determined by the
39 department in accordance with regulations adopted by
40 the department. After the period of suspension has

1 expired, the agreement shall be reinstated upon request
2 of the driving school if the driving school is in compliance
3 with this section.

4 (C) (i) The revocation of an agreement pursuant to
5 subparagraph (F) of paragraph (3) shall be for a term of
6 not less than one year. A driving school may apply for a
7 new agreement after the period of revocation has
8 expired, upon submission of proof to the department of
9 correction of the deficiencies or violations that resulted
10 in the revocation.

11 (ii) The department may permanently revoke an
12 agreement pursuant to subparagraph (F) of paragraph
13 (3) for repeated violations or repeated failures to comply
14 with any standard or provision of the agreement.

15 (6) The department shall monitor the driving schools
16 and evaluate the benefits and effects on traffic safety of
17 the driving school testing program. The department shall
18 periodically choose at random and retest driving
19 school-certified provisional license applicants for the
20 purposes of evaluating the program.

21 (7) Any provisional driver's license applicant who
22 takes and passes a driving test administered by a driving
23 school pursuant to this section shall provide the
24 department with a certificate satisfactory to the
25 department that the applicant has successfully passed the
26 driving test.

27 (8) The department shall charge a fee not to exceed
28 five dollars (\$5) for each certificate provided to the
29 department by an applicant. The amount of the fee shall
30 be sufficient to pay for the actual costs incurred by the
31 department in connection with the monitoring of driving
32 schools and retesting of license applicants pursuant to
33 paragraph (6).

34 (9) (A) This paragraph applies only to driving schools
35 that have administered both behind-the-wheel training
36 and behind-the-wheel driving tests for at least 12 months.

37 (B) The department shall prohibit a driving school
38 from continuing to administer behind-the-wheel driving
39 tests if the department determines that the driving school
40 has administered behind-the-wheel training and

1 behind-the-wheel driving tests to applicants, the majority
2 of whom have subsequently been subject to any of the
3 following provisions:

4 (i) Paragraph (5) of subdivision (a) of Section 12814.6.

5 (ii) Paragraph (6) of subdivision (a) of Section
6 12814.6.

7 (iii) Paragraph (7) of subdivision (a) of Section
8 12814.6.

9 (10) The establishment of driving school
10 behind-the-wheel testing agreements may be
11 implemented by the department on those dates that the
12 department determines to be necessary to accomplish an
13 orderly provisional driver's license testing program
14 pursuant to this section.

15 (11) During each year ~~of the two years~~ of the pilot
16 project authorized by this section, not more than 15,000
17 applicants for provisional driver's licenses may receive
18 the behind-the-wheel driving test at a driving school that
19 meets the criteria specified in this section.

20 (12) The department shall submit a report to the
21 Legislature on the progress of the driving school testing
22 program authorized pursuant to this section within three
23 years after the date the program is implemented. The
24 report shall compare subsequent driving records,
25 including accidents, convictions, and failures to appear,
26 for provisional driver's license applicants who have been
27 tested by the driving schools and tested by the
28 department. The report shall include, but shall not be
29 limited to, an analysis of the costs and benefits of the
30 program and shall include recommendations by the
31 department.

32 (13) The director may terminate the driving school
33 testing program at any time that the department
34 determines that continued operation of the program
35 would have an adverse effect on traffic safety. The finding
36 upon which that determination is based shall be reported
37 to the Legislature not later than 30 days after the
38 termination of the program.

39 (c) This section shall remain in effect only until
40 January 1, ~~1998~~ 1999, and as of that date is repealed, unless

1 a later enacted statute, which is enacted before January
2 1, 1998 1999, deletes or extends that date.

3 ~~SEC. 4. Section 12507.2 is added to the Vehicle Code,~~
4 ~~to read:~~

5 ~~12507.2. (a) The director may establish a program to~~
6 ~~authorize third-party testers to administer~~
7 ~~behind-the-wheel driving tests under an agreement with~~
8 ~~the department.~~

9 ~~(b) Third-party testers may include, but are not~~
10 ~~limited to, driving schools, employers of the drivers being~~
11 ~~tested, and educational institutions.~~

12 ~~(c) The department shall adopt regulations to~~
13 ~~establish the criteria for participation, which may include~~
14 ~~instructor eligibility, training requirements, examiner~~
15 ~~qualifications, driving test elements, monitoring the~~
16 ~~driving schools, educational facilities and program,~~
17 ~~auditing the driving school and educational facility~~
18 ~~records, and any other required elements of the program.~~

19 ~~(d) The department may limit the persons who may~~
20 ~~be tested by third-party testers eligible for third-party~~
21 ~~testing under conditions that are specified in the~~
22 ~~agreement.~~

23 ~~(e) The department may retest any person who~~
24 ~~successfully passed an examination given by a third-party~~
25 ~~tester.~~

26 ~~(f) The department may charge the third-party testers~~
27 ~~a fee sufficient to cover the costs of training third-party~~
28 ~~testers and monitoring and auditing the program.~~

29 ~~(g) Any applicant who takes a driving test~~
30 ~~administered by a third-party tester pursuant to this~~
31 ~~section shall provide the department with a certificate~~
32 ~~satisfactory to the department that the applicant~~
33 ~~completed the driving test.~~

34 ~~(h) The director may terminate the behind-the-wheel~~
35 ~~driving test program at any time that the department~~
36 ~~determines that continued operation of the program~~
37 ~~would have an adverse effect on traffic safety.~~

38 ~~SEC. 5. Section 15250 of the Vehicle Code is amended~~
39 ~~to read:~~

1 ~~15250. (a) No person shall operate a commercial~~
2 ~~motor vehicle unless that person has in his or her~~
3 ~~immediate possession a valid commercial driver's license~~
4 ~~of the appropriate class.~~

5 ~~(b) No person may be issued a commercial driver's~~
6 ~~license until he or she has passed a written and driving~~
7 ~~test for the operation of a commercial motor vehicle~~
8 ~~which complies with the minimum federal standards~~
9 ~~established by the federal Commercial Motor Vehicle~~
10 ~~Safety Act of 1986 (P.L. 99-570) and Part 383 of Title 49~~
11 ~~of the Code of Federal Regulations, and has satisfied all~~
12 ~~other requirements of that act as well as any other~~
13 ~~requirements imposed by this code.~~

14 ~~(c) The tests shall be prescribed and conducted by or~~
15 ~~under the direction of the department. The department~~
16 ~~may allow a third party to administer the driving test part~~
17 ~~of the examination required under this section and~~
18 ~~Section 15275 if the following conditions are met:~~

19 ~~(1) The tests given by the third party are the same as~~
20 ~~those which would otherwise be given by the~~
21 ~~department.~~

22 ~~(2) The third party has an agreement with the~~
23 ~~department with at least the following provisions:~~

24 ~~(A) Authorization for the Federal Highway~~
25 ~~Administration, or its representative, and the~~
26 ~~department, or its representative, to conduct random~~
27 ~~examinations, inspections, and audits without prior~~
28 ~~notice.~~

29 ~~(B) Permission for the department, or its~~
30 ~~representative, to conduct onsite inspections at least~~
31 ~~annually.~~

32 ~~(C) A requirement that all third-party examiners~~
33 ~~meet the same qualification and training standards as the~~
34 ~~department's examiners, to the extent necessary to~~
35 ~~conduct the driving skill tests in compliance with the~~
36 ~~requirements of Part 383 of Title 49 of the Code of Federal~~
37 ~~Regulations.~~

38 ~~(D) The department may cancel, suspend, or revoke~~
39 ~~the agreement with a third-party tester if the third-party~~
40 ~~tester fails to comply with the standards for the~~

1 ~~commercial driver's license testing program, or with any~~
2 ~~other term of the third party agreement, upon 15 days~~
3 ~~prior written notice of the action to cancel, suspend, or~~
4 ~~revoke the agreement by the department to the third~~
5 ~~party. Any action to appeal or review any order of the~~
6 ~~department canceling, suspending, or revoking a~~
7 ~~third party testing agreement shall be brought in a court~~
8 ~~of competent jurisdiction under Section 1085 of the Code~~
9 ~~of Civil Procedure, or as otherwise permitted by the laws~~
10 ~~of this state. The action shall be commenced within 90~~
11 ~~days from the effective date of the order.~~

12 ~~(E) Any third party tester whose agreement has been~~
13 ~~canceled pursuant to subparagraph (D) may~~
14 ~~immediately apply for a third party testing agreement.~~

15 ~~(F) A suspension of a third party testing agreement~~
16 ~~pursuant to subparagraph (D) shall be for a term of less~~
17 ~~than 12 months as determined by the department. After~~
18 ~~the period of suspension, the agreement shall be~~
19 ~~reinstated upon request of the third party tester.~~

20 ~~(G) A revocation of a third party testing agreement~~
21 ~~pursuant to subparagraph (D) shall be for a term of not~~
22 ~~less than one year. A third party tester may apply for a~~
23 ~~new third party testing agreement after the period of~~
24 ~~revocation and upon submission of proof of correction of~~
25 ~~the circumstances causing the revocation.~~

26 ~~(H) Authorization for the department to charge the~~
27 ~~third party a fee, as determined by the department,~~
28 ~~which is sufficient to defray the actual costs incurred by~~
29 ~~the department for administering and evaluating the~~
30 ~~third party testing program, and for carrying out any~~
31 ~~other activities deemed necessary by the department to~~
32 ~~ensure sufficient training for the drivers participating in~~
33 ~~the program.~~

34 ~~(3) Except as provided in Section 15250.3, the tests~~
35 ~~given by the third party shall not be accepted in lieu of~~
36 ~~tests prescribed and conducted by the department for~~
37 ~~applicants for a passenger vehicle endorsement specified~~
38 ~~in paragraph (2) of subdivision (a) of Section 15278, if the~~
39 ~~applicant operates or will operate a tour bus.~~

1 ~~(d) Commercial driver license applicants who take~~
2 ~~and pass driving tests administered by a third party shall~~
3 ~~provide the department with certificates of driving skill~~
4 ~~satisfactory to the department that the applicant has~~
5 ~~successfully passed the driving tests administered by the~~
6 ~~third party.~~

7 ~~(e) Implementation dates for the issuance of a~~
8 ~~commercial driver's license pursuant to this chapter may~~
9 ~~be established by the department as it determines is~~
10 ~~necessary to accomplish an orderly commercial driver~~
11 ~~license program.~~

